

EXHIBIT “E”

**Plaintiff Ana Margarita Martinez’ Application for
Default Judgment Against Cuba**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANA MARGARITA MARTINEZ,

Plaintiff,

Case No. 07 CV 6607 (VM)

vs.

THE REPUBLIC OF CUBA,

DEFAULT JUDGMENT

Defendant.

This action was commenced on July 23, 2007 by the filing of the Summons and Complaint. The basis for the Complaint was a final judgment entered by a Florida circuit court (Ana Margarita Martinez v. The Republic of Cuba, Case No. 99-18008 CA 20), a certified copy of which was attached thereto. A copy of the Summons, Complaint and Notice of Suit were personally served on the defendant, the Republic of Cuba, on August 20, 2007 through the clerk of this Court pursuant to 28 U.S.C. §1608(a)(3) and Rule 4(f)(2)(c)(ii) of the Federal Rules of Civil Procedure. Proof of service of the Summons and Complaint was filed with the Court on November 14, 2007 [D.E. 12, Ex. A].

The defendant, the Republic of Cuba, has not answered the Complaint, and the time for answering the Complaint has expired. The Plaintiff moved for entry of Clerk's Default on November 14, 2007 [D.E. 11], and has subsequently applied for entry of a default judgment, and submitted the affidavit of Joseph A. DeMaria, Esq. in support of the application.

Based upon a review of the documentary evidence, this Court finds that Plaintiff has satisfied all of the requirements for suit against a foreign state pursuant to the Foreign Sovereign Immunities Act, 28 U.S.C. §1602, et seq., and has established her right to entry of a Default Judgment against

the Republic of Cuba by satisfactory evidence within the meaning of 28 U.S.C. §1608(e). Therefore it is:

ORDERED, ADJUDGED AND DECREED: That the plaintiff have judgment against defendant in the liquidated amount of \$6,968,340.41 (\$7,175,000 less payments of \$206,659.59), with interest at the State of Florida statutory rate pursuant to §55.03, Florida Statutes, (11%) from March 23, 2001 to the date of the signing of the Application for Default Judgment (December 4, 2007) amounting to \$12,197,102.60, plus additional Florida post-judgment interest from December 5, 2007 through the date of this Judgment at the per diem rate of \$2,100.05, plus post-judgment interest on the \$6,968,340.4 in principal remaining on Plaintiff's Florida state court judgment, calculated at the federal statutory rate pursuant 28 U.S.C. §1961 from the date of the Judgment until it is satisfied.

Dated: _____

Victor F. Marrero
United States District Judge